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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BEKKI COUNTRYMAN,
Plaintiff,

vs.

NANCY A. BERRYHILL,
Commissioner of the Social Security
Administration,

Defendant.

CIVIL ACTION

Case No. 2:17-CV-017140-MAT

~~[PROPOSED]~~ ORDER GRANTING
MOTION FOR AWARD OF ATTORNEY
FEES PURSUANT TO 42 U.S.C. §406(b)

BEFORE THE COURT is a motion for an award of attorney fees pursuant to 42 U.S.C. §406(b) for authorization and approval for Thomas Bothwell, Plaintiff's counsel, to receive attorney's fees for his representation of Plaintiff herein, in the amount of \$8,863.97, in addition to previously awarded EAJA fees. Attorney Thomas Bothwell represents Plaintiff; Assistant United States Attorney Kerry Jane Keefe and Special Assistant United States Attorney Benjamin J. Groebner represent Defendant.

On June 4, 2018, this Court issued its ORDER RE: SOCIAL SECURITY DISABILITY APPEAL (ECF No. 22), in which this cause was remanded for an award of benefits.

Plaintiff's counsel filed a Motion for Award of Attorney Fees Pursuant to Equal Access to Justice Act (ECF. 24) and this Court approved that request by ORDER GRANTING PLAINTIFF'S MOTION FOR AWARD OF ATTORNEY FEES PURSUANT TO EQUAL ACCESS TO JUSTICE ACT (ECF No. 26) dated August 20, 2018. Plaintiff's counsel has received EAJA fees in the amount of \$6,435.03.

1 Plaintiff's counsel now moves for an award of attorney fees pursuant to 42 U.S.C. §406(b)
2 which awards private attorney fees only after an award of past-due benefits has been made. An
3 Award under §406(b) is for work before the court and cannot exceed 25% of the claimant's back pay
4 award. *Gisbrecht v. Barnhart*, 535 U.S. 789, 804-05 (2002). Pursuant to *Gisbrecht*, the amount of
5 the award must be reasonable in light of the character of representation, the result received and the
6 size of benefits in comparison to the time spent by counsel. *Id.*, at 807-08.

7 Plaintiff's counsel has filed with this court a copy of the contingent fee agreements with
8 Plaintiff and an itemized billing statement for work on this case. The court, having reviewed the
9 contingency fee agreements and the itemized billing statement, finds that the requested award in the
10 amount of \$8,863.97 is reasonable. Accordingly,

11 IT IS ORDERED the motion for attorney fees of \$8,863.97 pursuant to 42 U.S.C. §406(b)
12 (ECF No.) is GRANTED. The Social Security Administration, from the \$15,299.00 it withheld,
13 shall now:

14 (1) Release the sum of \$8,863.97 directly to Plaintiff's counsel Thomas Bothwell
15 (Bothwell & Hamill, PO Box 2730, Yakima, WA, 98907-2730) representing §406(b) fees; and

16 (2) Release the sum of \$6,435.03 directly to Plaintiff.

17 The District Court Executive is directed to enter this Order, forward copies to counsel, and
18 thereafter shall close this file.

19 DATED this 30th day of October, 2018.

20
21 s/ Mary Alice Theiler
United States Magistrate Judge